

SENATOR FROM ALABAMA

IN RE THE CONTEST OF
J. THOMAS HEFLIN v. JOHN H. BANKHEAD
FOR A SEAT IN THE UNITED STATES
SENATE FROM THE STATE
OF ALABAMA

PETITION OF J. THOMAS HEFLIN



FEBRUARY 17 (calendar day, FEBRUARY 24), 1931.—Referred to the
Committee on Privileges and Elections and ordered to be printed

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THE STATE OF ALABAMA

DEPARTMENT OF REVENUE

ALABAMA

REVENUE FROM ALABAMA

IN THE CITY OF ALABAMA
THE STATE OF ALABAMA
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REVENUE FROM ALABAMA



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To the Senate of the United States:

Comes now J. Thomas Heflin and files this his contest for a seat in the United States Senate as Senator from the State of Alabama and contests the seat claimed by John H. Bankhead for the term beginning March 4, 1931, and as grounds for this contest shows to this honorable body that heretofore, your petitioner having been defrauded of the right to run in the regular Democratic primary held in the State of Alabama on the 12th day of August, 1930, the said John H. Bankhead was nominated in a primary known as the regular Democratic primary and held on the 12th day of August, 1930, and that said primary was reeking with fraud and corruption and that this fact was known to the said John H. Bankhead, and that as a result of said primary the said John H. Bankhead was known as the regular Democratic candidate for United States Senator from Alabama for said term, and that the said J. Thomas Heflin was nominated at a State convention held at Montgomery in the State of Alabama on the 1st day of September, 1930, known as the Jeffersonian convention and was known as the independent Democratic candidate on the Jeffersonian ticket. There were no other nominees on any ticket in the said State of Alabama as candidates for United States Senator from Alabama for said term.

That there are in the said State 67 counties, divided into about 1,400 election precincts, beats, or divisions; that the election for said office was held on the 4th day of November, 1930; that by the laws of the said State of Alabama the votes cast in the said various beats or precincts are canvassed and counted by the beat or precinct election officials in the respective beats or precincts in which the votes are cast; that said various election beat or precinct officials certify the results thereof to the various county canvassing boards composed in each county of the sheriff, judge of probate, and clerk of the circuit court, which board is authorized to receive such results in the counties in which the various beats or precincts are situated; that within brief interval thereafter the county boards of canvassers scrutinize such returns and in accordance with the laws of the State of Alabama an abstract of the various returns is made and certified to the secretary of the State.

That as a result of the canvas of the returns as certified to the secretary of state of Alabama it was declared that the said John H. Bankhead was shown by the returns to have received 150,985 votes for the said office of United States Senator at said election, and that the said J. Thomas Heflin had received a total of 100,969 votes for said office, the difference thus giving the said Bankhead an apparent plurality of 50,016 votes, and the said Bankhead claims his election

on the basis of said apparent plurality and will probably present his claims upon the first convening of the Senate on or after March 4, 1931.

For the purpose of this complaint the said Bankhead is hereinafter described as the claimant and the said Heflin as the contestant.

That said contestant, Heflin, avers on information and belief that in truth and in fact there were cast at the said election many thousand more votes for the contestant, Heflin, than were cast for the claimant, Bankhead, for said office of United States Senator from the State of Alabama for said term; and said contestant further avers that there were errors, fraud, and irregularities in said election affecting the result, which, if corrected, would show that this contestant received a decisive majority of votes legally cast at said election for said office, and that contestant's majority would have been considerably larger had it not been for fraud and intimidation practiced by the friends, supporters, and colleagues of the said claimant, Bankhead, to the hurt and injury of said contestant, Heflin.

That among the illegalities complained of and affecting the result are:

(a) That various local canvassing boards, in precincts in practically every county in the said State of Alabama, unlawfully counted for said claimant, Bankhead, votes which in truth and in fact were cast, or intended to be cast, for the contestant, Heflin.

(b) That a large number of ballots lawfully cast for the contestant, Heflin, were not counted for him, but were utterly ignored by various election boards in making up the count, and they were not returned for the contestant, to whom they rightfully belonged.

(c) That many ballots in many precincts, duly marked and cast for the contestant, were rejected by the representative election boards and not counted at all.

(d) That many votes were allowed to be cast by persons not qualified to vote and that these votes were cast and counted for claimant, Bankhead.

(e) That there was gross violation of the absentee ballot law and many absentee ballots were illegally obtained, many purporting to be ballots of persons known to have been dead or otherwise disqualified, and said illegal absentee ballots were cast and counted for said claimant, Bankhead.

(f) That many votes were cast and counted for said claimant, Bankhead, by parties who wanted to vote for said contestant, Heflin, but were prevented from doing so by friends, supporters, and colleagues of said claimant, Bankhead, said parties voting for claimant for fear they would lose their jobs or be otherwise financially punished if they voted for said contestant.

(g) That large sums of money were unlawfully spent for the purpose of qualifying voters who had been in arrears on their poll-tax payments for many years past as an inducement to get said voters to vote for said claimant, Bankhead, and that said voters did unlawfully vote in said election of November 4, 1930, for said claimant, Bankhead, thus materially changing the results in said election.

(h) That large numbers of friends and supporters of said contestant, Heflin, who were duly qualified to vote in said election of November 4, 1930, were knowingly and purposely left off the lists of qualified voters furnished election officials in various beats or precincts, and

every known difficulty thrown in their way to prevent them from voting for said contestant, Heflin, and that this action materially affected the results in said election.

Said contestant therefore comes to your honorable body with the sincere and profound belief that upon a fair and lawful recount of the ballots legally cast and upon a complete audit of the poll lists of voters participating in said election, together with a full and accurate survey of the ballots rejected and on the elimination of fraudulent returns and results, he will be shown to be the duly and lawfully elected United States Senator from the State of Alabama; and for that purpose and for all the purposes of truth and justice he therefore prays that your honorable body will make a full and complete examination into the situation and will so decide.

J. THOS. HEFLIN,
Contestant.

DISTRICT OF COLUMBIA, ss:

J. Thomas Heflin, being first duly sworn, upon oath deposes and says that he is the contestant named in the foregoing matter; that he has read the foregoing statement and knows the contents thereof; that the matters and things as therein set forth are true, except as to those matters stated on information and belief, and as to those matters he believes it to be true.

J. THOS. HEFLIN.

Subscribed and sworn to before me this the 24th day of February, 1931.

[SEAL.]

CHARLES F. PACE,
Notary Public, District of Columbia.

My commission expires February 12, 1936.

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